

REMARKS

Reconsideration is requested.

The specification has been revised to include the attached Sequence Listing which is the same as the Sequence Listing filed previously but for the revision of formal items <110> and <120> as noted in the attached paper indexed as "Computer Readable Form (CRF) for Sequence Listing – Defective". No new matter has been added. The attached paper and computer readable copies of the Sequence Listing are the same. No new matter has been added.

The undersigned notes, for completeness, that the suggestion in the attached Notification that the Sequence Listing is required by 35 U.S.C. § 371 is incorrect. That is, the mailing of the Notification as a "371 Formalities Letter" is inappropriate. Similarly, the mailing of the Notification to Comply mailed August 30, 2007, to which the applicants allegedly filed a defective reply, as a "371 Formalities Letter" is inappropriate.

The Office will appreciate that s Notice of Acceptance was mailed January 9, 2007, confirming that the requirements of 35 U.S.C. § 371 had been met. Moreover, as described in the Notice of Acceptance, a Filing Receipt was mailed January 9, 2007. The application has been published April 12, 2007 as US-2007-0082839-A1 according to an undated Notice received April 20, 2007 by the undersigned's firm.

The undersigned submits, with due respect, that the paper titled "WITHDRAWAL OF PREVIOUSLY SENT NOTICE" mailed August 30, 2007 incorrectly suggests that a Sequence Listing is required to comply with 35 U.S.C. § 371. Specifically, the paper titled "WITHDRAWAL OF PREVIOUSLY SENT NOTICE" was mailed with the

Notification to Comply dated August 30, 2007 wherein the only requirement was the filing of a further Sequence Listing. The Office will appreciate that 35 U.S.C. § 371 requires the following:

(c) The applicant shall file in the Patent and Trademark Office -

- (1) the national fee provided in section 41(a) of this title;
- (2) a copy of the international application, unless not required under subsection (a) of this section or already communicated by the International Bureau, and a translation into the English language of the international application, if it was filed in another language;
- (3) amendments, if any, to the claims in the international application, made under article 19 of the treaty, unless such amendments have been communicated to the Patent and Trademark Office by the International Bureau, and a translation into the English language if such amendments were made in another language;
- (4) an oath or declaration of the inventor (or other person authorized under chapter 11 of this title) complying with the requirements of section 115 of this title and with regulations prescribed for oaths or declarations of applicants;
- (5) a translation into the English language of any annexes to the international preliminary examination report, if such annexes were made in another language.

As noted in the Notice of Acceptance mailed January 9, 2007, the applicants complied with the requirements of 35 U.S.C. § 371 on May 19, 2006.

Finally, it has been the undersigned's experience that, to their credit, STIC often revises formal aspects of Sequence Listings, such as the title and the applicant name, where the changes are believed to be obvious revisions without requiring mailing of a further Notice. The requirements of the attached paper indexed as "Computer Readable Form (CRF) for Sequence Listing – Defective" are believed to relate to

BOMSEL et al.
Appl. No. 10/579,921
Atty. Ref.: 3665-180
Amendment
June 27, 2008

matters which should be correctable by STIC and the assistance of same in the future with regard to such matters will be appreciated.

The Office is requested to advise the undersigned, preferably by telephone, in the event anything further is required with regard to the attached Notification.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /B. J. Sadoff/
 B. J. Sadoff
 Reg. No. 36,663

BJS:
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100